

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE OR CHANGE

The agency identified below in box 1 provides notice of proposed rule or change pursuant to Utah Code Subsections 63-46a-4(2) and (4). Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

State of Utah Division of Administrative Rules (DAR) 4120 State Office Building; 450 North Main PO Box 141007 Salt Lake City, UT 84114-1007 Phone: (801) 538-3218, FAX: (801) 538-1773 State E-mail: <i>asdomain.asitmain.rules</i>	DAR file no.:	
	Utah Admin. Code ref. (R no.):	R156-42a
	Date filed:	
	Time filed:	
	Received by:	

1. Department:	Commerce
Agency:	Occupational and Professional Licensing
Room no., building:	Heber M. Wells Building - 4th Floor
Street address:	160 East 300 South
Mailing address:	PO Box 146741
City, state ZIP:	Salt Lake City UT 84114-6741
Contact person:	Douglas Vilnius
Telephone:	(801) 530-6621
FAX:	(801) 530-6511
Internet E-mail:	dvilnius@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Occupational Therapy Practice Act Rules

3. Type of notice:			
Proposed rules	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Repeal
	<input type="checkbox"/> Repeal and reenact		
Other rule types	Change in proposed rule (changes original proposed rule file no.:)		

4. Purpose of the rule or reason for the change:
The Division and the Occupational Therapy Licensing Board need to eliminate temporary licensure because on demand testing for the National Board of Certification in Occupational Therapy Examination now limits the certification process to less than 30 days, thus negating the need for temporary licensure of occupational therapists and occupational therapy assistants. since the examination required for licensure is now given on demand and the certification process

5. This rule or change is a response to comments by the Administrative Rules Review Committee.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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6. Summary of the rule or change:
Section 302a: Renumbered Section to 302 and deleted reference to temporary licensure in reference to the Occupational Therapy Law and Rule Examination. Section 302b: Deleted entire section dealing with qualifications for temporary licensure.

7. Aggregate anticipated cost or savings to:	
State budget:	The Division will incur minimal costs, less than \$50, to reprint this rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

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Local government:	Proposed amendments do not apply to local governments.		
Other persons:	Applicants for temporary licensure as an occupational therapist or occupational therapy assistant will recognize a savings of \$50.00 for a temporary licensure fee which will no longer be required. The Division is unable to determine how many applicants for licensure as an occupational therapist or occupational therapy assistant will apply in the future; thus, an aggregate savings is not available.		
8. Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
The Division does not anticipate any costs associated with these proposed rule amendments. The Division only anticipates savings to the group of applicants identified above.			
9. Comments by the department head on the fiscal impact the rule may have on businesses:			
There appears to be no fiscal impact to businesses as a result of this rule change. The amendment eliminates the temporary licensure procedure, which has been determined to be unnecessary. Previously, examinations were given on a quarterly basis through the National Board of Certification; but today, once the National Board of Certification has determined a candidate's eligibility, the candidate may take the examination at a local facility at any time. Ted Boyer, Executive Director			
10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.			
State code or constitution citations (required):		Section 58-42a-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)	
Federal citations (optional):			
11. This rule or change adds or updates an incorporated reference (submit a copy to DAR):			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> X <input type="checkbox"/> No
Reference title and date of issue or edition:			
12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.)			
Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		07/31/2003	
A public hearing (optional) will be held on (mm/dd/yyyy):		07/15/2003	
at (time):		9:00 a.m.	
at (place):		160 East 300 South, Room 428 (4th Floor), Salt Lake City Utah	
13. This rule or change may become effective on (mm/dd/yyyy):		08/01/2003	
14. Indexing information - keywords (maximum of four, in lower case):			
licensing, occupational therapy			
15. Indexing information - affected industries (two-digit SIC codes):			
n/a			
16. Attach a WordPerfect document containing the text of this rule or change (filename):			R156-42a.pro
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms may be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	J. Craig Jackson, Director	Date (mm/dd/yyyy):	06/02/2003

R156. Commerce, Occupational and Professional Licensing.

R156-42a. Occupational Therapy Practice Act Rules.

R156-42a-302[a]. Qualifications for Licensure - Examination Requirements.

In accordance with Section 58-1-309, all applicants for licensure [~~or temporary licensure~~] must pass the Occupational Therapy Law and Rule Examination.

~~[R156-42a-302b. Qualifications for Temporary Licensure - Supervision Required.]~~

~~—(1) In accordance with Section 58-1-303, an applicant for temporary licensure shall:~~

~~—(a) submit an application for temporary license which includes a verification that the applicant has registered to take the next available Occupational Therapy Certification Examination required to become certified by the American Occupational Therapy Certification Board; and~~

~~—(b) pay the required temporary license application fee.~~

~~—(2) An occupational therapist or occupational therapist assistant who is issued a temporary license must practice occupational therapy under the general supervision of a Utah licensed occupational therapist.~~

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KEY: licensing, occupational therapy

~~[October 17, 1994]~~2003

Notice of Continuation September 28, 1999

58-1-106(1)(a)

58-1-202(1)(a)

58-42a-101